IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

LA.App..No. 80 of 2007(D)

LAR.13/1998 of II ADDL.SUB COURT, THIRUVANANTHAPURAM
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APPELLANT: APPELLANT/RESPONDENT IN THE LAR

STATE OF KERALA, REPRESENTED BY DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. LATHA THANKAPPAN

RESPONDENTS: RESPONDENT/CLAIMANTS IN THE LAR

S.RAJALEKSHMI, THUNDUVILA, KANJANPAZHINJI P.O,THIRUPURAM (VIA), POOVAR.

BY ADVS. SRI.P.A.AHAMED
SRI.THOUFEEK AHAMED

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 80 OF 2007

Dated this the 11th day of December, 2007

JUDGMENT

Harun-Ul-Rashid,J.

This is an appeal filed by the State of Kerala challenging the judgment and decree passed in L.A.R. No.13 of 1998 on the file of the II Additional Sub Court, Thiruvananthapuram. The land having an extent of 0.52 Ares in Survey No,1032/2 of Vanchiyoor Village was acquired for the purpose of widening the road from overbridge to Pazhavangadi. Notification under Section 4(1) of the Land Acquisition Act is dated 18.2.1997. The Land Acquisition Officer fixed land value at the rate of Rs.5,19,923/- per Are. The claimant was examined as AW.1 and Ext.A1 sale deed was produced by her in support of the claim for enhanced land value.

2. Admittedly, the property covered by Ext.A1 and the acquired land are lying nearby. The property covered by Ext.R1, produced by the State in support of their stand, is situated at a distance of 1 1/4 Kms. away from the acquired property. The acquired land lies in an important locality. It is about 300 metres west to K.S.R.T.C. bus stand and railway station and 350 metres north to Sree Padmanabha Swami Temple. Ext.R1

property is also situated in an important locality in the city. The court below, after comparing the properties covered by Exts. A1 and R1, concluded that it was not safe to rely on Ext.A1 to determine the market value of the acquired property.

3. Taking into account the potential value of the acquired property, the court below rightly held that the value awarded by the Land Acquisition Officer is not sufficient and reasonable. The court below accordingly held that 75% increase including 25% deduction made by the Land Acquisition Officer is a reasonable amount to be fixed as value of the property. Thus, the market value of the acquired property is fixed at Rs.9,09,865/- per Are. The reasons stated by the court below for granting enhancement, in the facts and circumstances of the case, is just and reasonable.

We find no merit in the appeal. The appeal is accordingly dismissed. There will be no order as to costs.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

sp/

KURIAN JOSEPH &
HAURN-UL-RASHID, JJ.

L.A.A.NO

JUDGMENT

4TH DECEMBER, 2007